

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel.
TRACY L. DONMOYER,

PLAINTIFFS,

v.

METRO BEAUTY ACADEMY, LLC,

DEFENDANT.

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CIVIL ACTION NO. 14-4540 (JS)

STIPULATED ORDER AND CONSENT JUDGMENT

This Stipulated Order and Consent Judgment is entered into by and between plaintiff, the United States of America, and defendant Metro Beauty Academy, (collectively, “the Parties”).

THE PARTIES

1. Plaintiff is the United States of America (“United States”), acting through the Office of the United States Attorney for the Eastern District of Pennsylvania on behalf of the United States Department of Education (“ED”).

2. Defendant is Metro Beauty Academy, LLC (“MBA”), a private, for-profit beauty school, with its principal office and campus located in Allentown, PA. Since May 2007, MBA has operated various educational and technical programs, such as cosmetology, esthetics, and massage therapy, at its campus in Allentown. MBA is currently owed by Chad Schneider.

RECITALS

3. On July 30, 2014, Relator Tracy L. Donmoyer filed a *qui tam* complaint in the United States District Court for the Eastern District of Pennsylvania, on behalf of herself and the United States, against MBA under the False Claims Act, 31 U.S.C. §§ 3729 - 3733. This action

was captioned *United States of America ex rel. Tracy L. Donmoyer, v. Metro Beauty Academy, LLC*, Civil Action No. 14-4540 (the “Civil Action”);

4. On January 29, 2020, the United States, the Relator, and defendant MBA, reached a full and final settlement of the Civil Action for \$425,000, as set forth in the attached Settlement Agreement, which was fully executed on June 12, 2020;

5. Pursuant to the Settlement Agreement, MBA consented to the entry of judgment against it in the amount of \$275,000 dollars, after MBA paid an initial installment payment of \$150,000 to the United States;

6. On June 30, 2020, the United States intervened in the Civil Action for purposes of settlement;

7. On July 9, 2020, MBA paid the initial installment amount to the United States;

WHEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT:

8. Judgment by consent shall be entered in favor of plaintiff, the United States, and against defendant, MBA, in the amount of \$275,000 dollars;

9. Upon the entry of Judgment, this civil action shall be dismissed subject to the terms of the Settlement Agreement. Dismissal shall be with prejudice as to the relator. Dismissal shall be with prejudice as to the United States only for the Covered Conduct released in the Settlement Agreement, but shall be without prejudice to any other claims of the United States;

10. The parties agree that this Court retains jurisdiction over this matter until such time as the Judgment is satisfied in full;

11. When MBA makes payment of the Settlement Amount in full, pursuant to the terms of the Settlement Agreement, the United States shall mark the Judgment as satisfied;

12. The parties consent to the United States' disclosure of this Stipulated Order and Consent Judgment, and information about this Stipulated Order and Consent Judgment, to the public; and,

13. The undersigned counsel represent and warrant that they are fully authorized to execute this Stipulated Order and Consent Judgment on behalf of the persons and entities indicated below.

THE UNITED STATES OF AMERICA

DATED: August 4, 2020

BY:

WILLIAM M. McSWAIN
United States Attorney

/s/ Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

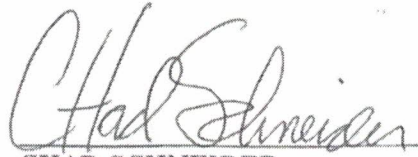
/s/ Charlene Keller Fullmer
CHARLENE KELLER FULLMER
Assistant United States Attorney
Deputy Chief for Affirmative
Litigation, Civil Division

/s/ Stacey L. B. Smith
STACEY L. B. SMITH
Assistant United States Attorney
U.S. Attorney's Office for the
Eastern District of Pennsylvania

METRO BEAUTY ACADEMY, LLC

DATED: 8/3/2020

BY:



CHAD SCHNEIDER
Managing Member,
Metro Beauty Academy, LLC



TERESA N. CAVENAGH
Duane Morris, LLP
30 South 17th Street
Philadelphia, PA 19103
*Counsel for Metro Beauty Academy,
LLC*

IT IS SO ORDERED:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.

Dated: 8/6/2020

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Stipulated Order and Consent Judgment on the following counsel of record via email:

Teresa N. Cavenagh
Duane Morris, LLP
30 South 17th Street
Philadelphia, PA 19103
Counsel for defendant, Metro Beauty Academy, LLC

Brian J. McCormick, Jr.
One Liberty Place
1650 Market St
34th Floor
Philadelphia, PA 19103
Counsel for relator, Tracy Donmoyer

/s/ Stacey L.B. Smith _____
Stacey L. B Smith
Assistant United States Attorney

Dated: August 4, 2020